

**PATENT**  
**APPLICATION 10/732,750**  
**ATTORNEY DOCKET 2002-0389 (1014-054)**

**REMARKS**

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Claim 9 has been cancelled without prejudice or disclaimer.

Each of claims 1, 3, 19, and 20 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claim 21 has been added.

Claims 1-8 and 10-21 are now pending in this application. Each of claims 1, 19, and 20 is in independent form.

**I. The Enablement Rejections**

Claim 9 was rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed as moot in view of the cancellation of claim 9.

**II. The Anticipation Rejections**

Each of claims 1-11 and 19-20 was rejected as anticipated under 35 U.S.C. 102(e). In support of the rejection, various portions of U.S. Patent Publication 2005/0013244 ("Parlos") were applied. These rejections are respectfully traversed as moot in view of the present amendments to each of claims 1, 19, and 20.

Specifically, each of claims 1, 19, and 20, from one of which each of claims 2-11 ultimately depends, states, *inter alia*, yet the applied portions of Parlos do not teach,

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“determining the future QOS metric determined based upon a statistical regression of at least one of the historical QOS metrics”. For at least this reason, it is respectfully submitted that the rejection of claims 1, 19, and 20 is unsupported by Parlos and should be withdrawn. Also, the rejection of each of claims 2-8, 10, and 11, each ultimately depending from independent claim 1, is unsupported by Parlos and also should be withdrawn.

**III. The Obviousness Rejections**

Each of claims 12-18 was rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of U.S. Patent Publication 2005/0013244 (“Parlos”), U.S. Patent 6,542,499 (“Murphy”), U.S. Patent 6,944,148 (“Gehring”), U.S. Patent Publication 2005/0013244 (“Bai”), U.S. Patent 6,871,233 (“Bearden”), and/or U.S. Patent No. 2003/0219034 (“Lotter”). Each of these rejections is respectfully traversed as moot in view of the present amendments to claim 1.

As stated above, claim 1, from which each of claims 12-18 ultimately depends, states, *inter alia*, yet the applied portions of Parlos do not teach, “determining the future QOS metric determined based upon a statistical regression of at least one of the historical QOS metrics”. For at least this reason, it is respectfully submitted that the rejection of each of claims 12-18, each ultimately depending from independent claim 1, is unsupported by Parlos and should be withdrawn.

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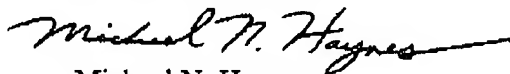
**CONCLUSION**

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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